

**THIRTY-FOURTH DAY - FEBRUARY 25, 2005****LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE  
FIRST SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 25, 2005

**PRAYER**

The prayer was offered by Pastor Thomas Schmitt, Zion Lutheran Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Aguilar, Baker, Brown, Cunningham, and Dw. Pedersen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-third day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 54, 263, and 283.

ER9004

Enrollment and Review Change to LB 54

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Schimek amendment, AM0304:
  - a. Sections 15, 16, 19, 21, 22, 24, 29, 33, 34, and 35 have been renumbered as sections 17, 18, 21, 23, 24, 26, 31, 35, 36, and 37, respectively;
  - b. On page 11, line 7, "the" has been struck and shown as stricken;
  - c. On page 14, the matter beginning with "8" in line 23 through "34" in

line 24 has been struck and "10 to 13, 15, 21 to 28, 30 to 34, and 36" inserted; and

d. On page 15, line 5, "48-227, 48-229," has been inserted after the second comma.

2. In the Schimek amendment, AM0428, amendment 2 has been struck.

3. On page 1, the matter beginning with "veterans" in line 1 through line 13 has been struck and "government service; to amend sections 12-104, 19-1830, 23-1309, 23-1310, 37-420, 48-225, 48-227, 48-229, 60-311.03, 60-311.04, 60-311.08, 60-3002, 71-605, 71-1002, 77-202.24, 77-3508, 77-3509, 77-3513, 77-3514, 80-102, 80-104 to 80-107, 80-316, 80-318, 80-325, 80-401.01, 80-401.03, 80-401.06, 80-410, and 80-412, Reissue Revised Statutes of Nebraska, and sections 12-1301 and 80-401.02, Revised Statutes Supplement, 2004; to redefine terms relating to veterans; to change provisions for a veteran hiring preference and qualifications for veterans' benefits; to reorganize provisions relating to veterans; to modify exemptions for veterans; to clarify eligibility for veterans' benefits; to eliminate a retraining program; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 81-1393, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

(Signed) Michael Flood, Chairperson

### **STANDING COMMITTEE REPORTS**

#### **Revenue**

**LEGISLATIVE BILL 38.** Placed on General File as amended.

(Standing Committee amendment, AM0567, is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 113.** Indefinitely postponed.

(Signed) David Landis, Chairperson

### **Transportation and Telecommunications**

**LEGISLATIVE BILL 77.** Placed on General File.

**LEGISLATIVE BILL 78.** Placed on General File.

**LEGISLATIVE BILL 715.** Indefinitely postponed.

**LEGISLATIVE BILL 721.** Indefinitely postponed.

(Signed) Tom Baker, Chairperson

### **SPECIAL COMMITTEE REPORT**

#### **Executive Board**

**LEGISLATIVE BILL 180.** Placed on General File.

(Signed) L. Patrick Engel, Chairperson

**UNANIMOUS CONSENT - Date Change**

Senator Cunningham asked unanimous consent to permit the Business and Labor Committee to hold public hearings on Tuesday, March 15, 2005. No objections. So ordered.

**NOTICE OF COMMITTEE HEARINGS****Business and Labor**

Room 2102

LB 741	Tuesday, March 15, 2005	1:30 p.m.
LB 743	Tuesday, March 15, 2005	1:30 p.m.
LB 749	Tuesday, March 15, 2005	1:30 p.m.
LB 737	Tuesday, March 15, 2005	1:30 p.m.
LB 738	Tuesday, March 15, 2005	1:30 p.m.

Tuesday, March 15, 2005 1:30 p.m.

David J. Cullan - Commission of Industrial Relations

Martin Kasl - Boiler Safety Code Advisory Board

Thomas DiMartino - Boiler Safety Code Advisory Board

(Signed) Douglas Cunningham, Chairperson

**Appropriations**

Room 1003

LB 296	Wednesday, March 9, 2005	1:30 p.m.
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Wednesday, March 9, 2005 1:30 p.m.

AGENCY 31 - Military Department

AGENCY 33 - Game and Parks Commission

AGENCY 54 - State Historical Society

AGENCY 72 - Department of Economic Development

LB 195	Thursday, March 10, 2005	1:30 p.m.
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LB 679	Thursday, March 10, 2005	1:30 p.m.
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Thursday, March 10, 2005 1:30 p.m.

AGENCY 24 - Department of Motor Vehicles

AGENCY 40 - Motor Vehicle Industry Licensing Board

AGENCY 17 - State Aeronautics Department

AGENCY 90 - Railway Council

AGENCY 27 - Department of Roads

Friday, March 11, 2005 1:30 p.m.

AGENCY 28 - Department of Veterans' Affairs

AGENCY 37 - Workers' Compensation Court

AGENCY 75 - Investment Council

AGENCY 77 - Commission of Industrial Relations  
AGENCY 85 - Public Employees Retirement Systems

(Signed) Don Pederson, Chairperson

**Transportation and Telecommunications**  
Room 1113

Monday, March 14, 2005

1:30 p.m.

Susan Heider - Nebraska Information Technology Commission  
Jess Hull - Nebraska Motor Vehicle Industry Licensing Board

(Signed) Tom Baker, Chairperson

**REPORTS**

The following reports were received by the Legislature:

**Health and Human Services System**

Report - Number of adults declared ineligible for cash assistance under  
Section 68-1723

**Property Assessment and Taxation, Department of**

Redevelopment Projects for Cities Using Tax Increment Financing Report

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 24, 2005, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Abboud, Chris, Public Affairs Group  
Scheels All Sports Inc.

American Communications Group, Inc.  
City of Lincoln  
Counseling Association, Nebraska (Withdrawn 02/23/2005)  
International Assoc. Heat & Frost Insulators & Asbestos Workers,  
Local 39

Jensen, Ronald L.  
Counseling Association, Nebraska

Siefken, Kathy  
Shazam

**MOTION - Approve Appointment**

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 586:

Nebraska Educational Telecommunications Commission  
Mary Harbaugh

Voting in the affirmative, 31:

Bourne	Foley	Kopplin	Pederson, D.	Stuthman
Brashear	Friend	Kremer	Preister	Synowiecki
Burling	Heidemann	Landis	Price	Wehrbein
Byars	Howard	Louden	Raikes	
Engel	Janssen	McDonald	Redfield	
Erdman	Jensen	Mines	Smith	
Flood	Johnson	Pahls	Stuhr	

Voting in the negative, 0.

Present and not voting, 12:

Beutler	Connealy	Hudkins	Schimek
Chambers	Cornett	Kruse	Schrock
Combs	Cudaback	Langemeier	Thompson

Excused and not voting, 6:

Aguilar	Brown	Fischer
Baker	Cunningham	Pedersen, Dw.

The appointment was confirmed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 51.** Senator Kremer withdrew his pending amendment, AM0477, found on page 558.

Senator Kremer renewed his pending amendment, AM0565, found on page 607.

The Kremer amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Beutler offered the following amendment:

FA35

- 1 1. On page 3, line 10, after the period insert "Every
- 2 department contract to perform laboratory testing services
- 3 shall include

4 provisions clearly stating that the State of Nebraska shall not be  
5 liable to any party to the contract or to any third person for  
6 negligence of the department in analyzing samples or in publishing  
7 testing findings that result in injury to persons or damage to  
8 property."

The Beutler amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

### ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 25, 2005, summarizing the recommended appropriations for the following biennium.

### SENATOR CUDABACK PRESIDING

#### SELECT FILE

**LEGISLATIVE BILL 533.** E & R amendment, AM7020, found on page 597, was adopted.

Senators Beutler and Mines renewed their pending amendment, AM0508, found on page 586.

The Beutler-Mines amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senator Mines offered the following amendment:  
AM0581

(Amendments to Standing Committee amendments, AM0238)

- 1 1. On page 15, line 15, after "and" insert "not".

The Mines amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 499.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 503.** E & R amendment, AM7019, found on page 597, was adopted.

Senator Stuhr offered the following amendment:  
AM0575

(Amendments to Standing Committee amendments, AM0380)

- 1 1. On page 1, line 15; and page 32, line 27, strike
- 2 "found" and insert "under the retirement systems described".
- 3 2. On page 2, line 13, strike "An" and insert "Beginning
- 4 July 1, 2006, an"; and in line 23 strike "(h)" and insert "(b)".
- 5 3. On page 5, lines 5 and 6, reinstate the stricken
- 6 "balanced account" and strike the new matter; and in line 7 strike
- 7 "(h)" and insert "(d)".
- 8 4. On page 19, line 14, after "Code" insert "as defined
- 9 in section 49-801.01"; in line 23 strike "or" and show as stricken;
- 10 and in line 25 after "pay" insert ", or (vii) beginning on the
- 11 effective date of Legislative Bill 329, Ninety-ninth Legislature,
- 12 First Session, 2005, employer contributions made for the purposes
- 13 of separation payments made at retirement and early retirement
- 14 inducements as provided for in section 79-514".
- 15 5. On page 20, line 14, after the second comma insert
- 16 "through June 30, 2005,".
- 17 6. On page 24, line 27, strike "eight and
- 18 three-hundredths" and insert "seven and ninety-eight hundredths".
- 19 7. On page 25, line 4, strike "eighty-eight" and insert
- 20 "eighty-three".
- 21 8. On page 33, line 22, strike "An" and insert
- 22 "Beginning on July 1, 2006, an".
- 23 9. On page 34, line 5, strike "(h)" and insert "(b)".
- 1 10. On page 36, lines 14 and 15, reinstate the stricken
- 2 "balanced account" and strike the new matter; and in line 16 strike
- 3 "(h)" and insert "(d)".
- 4 11. On page 44, line 11, after "year" insert "and
- 5 present them"; and in line 22 after the second "and" insert
- 6 "assure".

The Stuhr amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Pending.

## ANNOUNCEMENT

The Chair announced today is Senator Kruse's birthday.

## SELECT FILE

**LEGISLATIVE BILL 503.** Senator Bourne offered the following amendment:  
AM0598

(Amendments to AM0380)

- 1 1. Insert the following new sections:
- 2 "Sec. 8. Section 77-3442, Revised Statutes Supplement,
- 3 2004, is amended to read:
- 4 77-3442. (1) Property tax levies for the support of

5 local governments for fiscal years beginning on or after July 1,  
6 1998, shall be limited to the amounts set forth in this section  
7 except as provided in section 77-3444.

8 (2)(a) Except as provided in subdivision (2)(b) of this  
9 section, school districts and multiple-district school systems may  
10 levy a maximum levy of (i) one dollar and five cents per one  
11 hundred dollars of taxable valuation of property subject to the  
12 levy for fiscal years 2003-04 through 2007-08 and (ii) one dollar  
13 per one hundred dollars of taxable valuation of property subject to  
14 the levy for all fiscal years except fiscal years 2003-04 through  
15 2007-08. Excluded from this limitation are amounts levied to pay  
16 for sums agreed to be paid by a school district to certificated  
17 employees in exchange for a voluntary termination of employment and  
18 amounts levied to pay for special building funds and sinking funds  
19 established for projects commenced prior to April 1, 1996, for  
20 construction, expansion, or alteration of school district  
21 buildings. For purposes of this subsection, commenced means any  
22 action taken by the school board on the record which commits the  
23 board to expend district funds in planning, constructing, or  
1 carrying out the project.

2 (b) Federal aid school districts may exceed the maximum  
3 levy prescribed by subdivision (2)(a) of this section only to the  
4 extent necessary to qualify to receive federal aid pursuant to  
5 Title VIII of Public Law 103-382, as such title existed on  
6 September 1, 2001. For purposes of this subdivision, federal aid  
7 school district means any school district which receives ten  
8 percent or more of the revenue for its general fund budget from  
9 federal government sources pursuant to Title VIII of Public Law  
10 103-382, as such title existed on September 1, 2001.

11 (c) For school fiscal year 2002-03 through school fiscal  
12 year 2007-08, school districts and multiple-district school systems  
13 may, upon a three-fourths majority vote of the school board of the  
14 school district, the board of the unified system, or the school  
15 board of the high school district of the multiple-district school  
16 system that is not a unified system, exceed the maximum levy  
17 prescribed by subdivision (2)(a) of this section in an amount equal  
18 to the net difference between the amount of state aid that would  
19 have been provided under the Tax Equity and Educational  
20 Opportunities Support Act without the temporary aid adjustment  
21 factor and if subdivision (3) of section 79-1007.02 and subsections  
22 (2) and (5) of section 79-1008.01 had applied for the ensuing  
23 school fiscal year for the school district or multiple-district  
24 school system and the amount provided with the temporary aid  
25 adjustment factor and if subdivision (4) of section 79-1007.02 and  
26 subsections (3) and (6) of section 79-1008.01 had applied. The  
27 State Department of Education shall certify to the school districts  
1 and multiple-district school systems the amount by which the  
2 maximum levy may be exceeded for the next school fiscal year  
3 pursuant to subdivision (2)(c) of this section on or before

4 February 15 for school fiscal years 2004-05 through 2007-08.

5 (3) Community colleges may levy a maximum levy on each  
6 one hundred dollars of taxable property subject to the levy of  
7 seven cents for fiscal year 2000-01 and each fiscal year  
8 thereafter, plus amounts allowed under subsection (7) of section  
9 85-1536.01.

10 (4) Natural resources districts may levy a maximum levy  
11 of four and one-half cents per one hundred dollars of taxable  
12 valuation of property subject to the levy. Natural resources  
13 districts shall also have the power and authority to levy a tax  
14 equal to the dollar amount by which their restricted funds budgeted  
15 to administer and implement ground water management activities and  
16 integrated management activities under the Nebraska Ground Water  
17 Management and Protection Act exceed their restricted funds  
18 budgeted to administer and implement ground water management  
19 activities and integrated management activities for FY2003-04, not  
20 to exceed one cent on each one hundred dollars of taxable valuation  
21 annually on all of the taxable property within the district.

22 (5) Educational service units may levy a maximum levy of  
23 one and one-half cents per one hundred dollars of taxable valuation  
24 of property subject to the levy.

25 (6)(a) Incorporated cities and villages which are not  
26 within the boundaries of a municipal county may levy a maximum levy  
27 of forty-five cents per one hundred dollars of taxable valuation of  
1 property subject to the levy plus an additional five cents per one  
2 hundred dollars of taxable valuation to provide financing for the  
3 municipality's share of revenue required under an agreement or  
4 agreements executed pursuant to the Interlocal Cooperation Act or  
5 the Joint Public Agency Act. The maximum levy shall include  
6 amounts levied to pay for sums to support a library pursuant to  
7 section 51-201, museum pursuant to section 51-501, visiting  
8 community nurse, home health nurse, or home health agency pursuant  
9 to section 71-1637, or statue, memorial, or monument pursuant to  
10 section 80-202.

11 (b) Incorporated cities and villages which are within the  
12 boundaries of a municipal county may levy a maximum levy of ninety  
13 cents per one hundred dollars of taxable valuation of property  
14 subject to the levy. The maximum levy shall include amounts paid  
15 to a municipal county for county services, amounts levied to pay  
16 for sums to support a library pursuant to section 51-201, a museum  
17 pursuant to section 51-501, a visiting community nurse, home health  
18 nurse, or home health agency pursuant to section 71-1637, or a  
19 statue, memorial, or monument pursuant to section 80-202.

20 (7) Sanitary and improvement districts which have been in  
21 existence for more than five years may levy a maximum levy of forty  
22 cents per one hundred dollars of taxable valuation of property  
23 subject to the levy, and sanitary and improvement districts which  
24 have been in existence for five years or less shall not have a  
25 maximum levy. Unconsolidated sanitary and improvement districts

26 which have been in existence for more than five years and are  
27 located in a municipal county may levy a maximum of eighty-five  
1 cents per hundred dollars of taxable valuation of property subject  
2 to the levy.

3 (8) Counties may levy or authorize a maximum levy of  
4 fifty cents per one hundred dollars of taxable valuation of  
5 property subject to the levy, except that five cents per one  
6 hundred dollars of taxable valuation of property subject to the  
7 levy may only be levied to provide financing for the county's share  
8 of revenue required under an agreement or agreements executed  
9 pursuant to the Interlocal Cooperation Act or the Joint Public  
10 Agency Act. The maximum levy shall include amounts levied to pay  
11 for sums to support a library pursuant to section 51-201 or museum  
12 pursuant to section 51-501. The county may allocate up to fifteen  
13 cents of its authority to other political subdivisions subject to  
14 allocation of property tax authority under subsection (1) of  
15 section 77-3443 and not specifically covered in this section to  
16 levy taxes as authorized by law which do not collectively exceed  
17 fifteen cents per one hundred dollars of taxable valuation on any  
18 parcel or item of taxable property. The county may allocate to one  
19 or more other political subdivisions subject to allocation of  
20 property tax authority by the county under subsection (1) of  
21 section 77-3443 some or all of the county's five cents per one  
22 hundred dollars of valuation authorized for support of an agreement  
23 or agreements to be levied by the political subdivision for the  
24 purpose of supporting that political subdivision's share of revenue  
25 required under an agreement or agreements executed pursuant to the  
26 Interlocal Cooperation Act or the Joint Public Agency Act. If an  
27 allocation by a county would cause another county to exceed its  
1 levy authority under this section, the second county may exceed the  
2 levy authority in order to levy the amount allocated.

3 (9) Municipal counties may levy or authorize a maximum  
4 levy of one dollar per one hundred dollars of taxable valuation of  
5 property subject to the levy. The municipal county may allocate  
6 levy authority to any political subdivision or entity subject to  
7 allocation under section 77-3443.

8 (10) The following property tax levies are not included  
9 in the levy limits established by this section:

10 (a) Property tax levies for judgments, except judgments  
11 or orders from the Commission of Industrial Relations, obtained  
12 against a political subdivision which require or obligate a  
13 political subdivision to pay such judgment, to the extent such  
14 judgment is not paid by liability insurance coverage of a political  
15 subdivision;

16 (b) Property tax levies ; for preexisting lease-purchase  
17 contracts approved prior to July 1, 1998;

18 (c) Property tax levies ; for bonded indebtedness  
19 approved according to law and secured by a levy on property;

20 (d) Property tax levies ; ~~and~~ for payments by a public

21 airport to retire interest-free loans from the Department of  
22 Aeronautics in lieu of bonded indebtedness at a lower cost to the  
23 public airport; and  
24 (e) For fiscal years 2005-06 and 2006-07, property tax  
25 levies by school districts and educational service units for any  
26 increase in retirement costs over the retirement costs budgeted and  
27 spent for the prior fiscal year, are not included in the levy  
1 limits established by this section.

2 (11) The limitations on tax levies provided in this  
3 section are to include all other general or special levies provided  
4 by law. Notwithstanding other provisions of law, the only  
5 exceptions to the limits in this section are those provided by or  
6 authorized by sections 77-3442 to 77-3444.

7 (12) Tax levies in excess of the limitations in this  
8 section shall be considered unauthorized levies under section  
9 77-1606 unless approved under section 77-3444.

10 (13) For purposes of sections 77-3442 to 77-3444,  
11 political subdivision means a political subdivision of this state  
12 and a county agricultural society.

13 Sec. 9. Section 77-3446, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 77-3446. Base limitation means the budget limitation  
16 rate applicable to school districts and the limitation on growth of  
17 restricted funds applicable to other political subdivisions prior  
18 to any increases in the rate as a result of special actions taken  
19 by a supermajority of any governing board or of any exception  
20 allowed by law. The base limitation is two and one-half percent  
21 until adjusted, except that the base limitation for school  
22 districts for school fiscal years 2003-04 and 2004-05 is zero, plus  
23 for fiscal years 2005-06 and 2006-07 the dollar amount of increase  
24 in retirement costs over the prior fiscal year for school districts  
25 and educational service units expressed as a percentage of  
26 restricted funds. The base limitation may be adjusted annually by  
27 the Legislature to reflect other changes in the prices of services  
1 and products used by school districts and political subdivisions.".

2 2. Renumber the remaining sections and correct internal  
3 references and the repealer and operative date sections so that the  
4 sections added by this amendment become operative on July 1, 2005.

Senator Bourne moved for a call of the house. The motion prevailed with 31  
ayes, 0 nays, and 18 not voting.

Senator Bourne requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Aguilar	Byars	Howard	Pahls
Beutler	Combs	Janssen	Preister
Bourne	Connealy	Kopplin	Price
Brashear	Cornett	Kruse	Synowiecki

Voting in the negative, 23:

Burling	Fischer	Jensen	McDonald	Smith
Chambers	Flood	Kremer	Mines	Stuhr
Cunningham	Foley	Landis	Pederson, D.	Wehrbein
Engel	Heidemann	Langemeier	Raikes	
Erdman	Hudkins	Louden	Redfield	

Present and not voting, 6:

Cudaback	Johnson	Schrock
Friend	Schimek	Stuthman

Excused and not voting, 4:

Baker	Brown	Pedersen, Dw. Thompson
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The Bourne amendment lost with 16 ayes, 23 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

## RESOLUTION

**LEGISLATIVE RESOLUTION 46.** Introduced by Landis, 46; Beutler, 28; Johnson, 37; Price, 26; Schimek, 27.

WHEREAS, Kathleen "Pat" Ackerson Foote was the first woman elected to the Nebraska Unicameral Legislature in 1954 and was re-elected in 1956; and

WHEREAS, Kathleen Foote was born in Lincoln, Nebraska, on September 24, 1926. She graduated from Stanford University in 1948, with a degree in Social Science, and received a master's degree in Educational Psychology from the University of Nebraska in 1964; and

WHEREAS, Kathleen Foote worked for the Nebraska Game and Parks Commission from 1969 to 2001 as an outdoor recreation planner, served as the primary liaison to the Rails to Trails Conservancy in the development of Nebraska's Cowboy Trail, and, in 1995, received the Great Plains Network's Trail Boss Award for her contributions to trail development; and

WHEREAS, Kathleen "Pat" Ackerson Foote was an early advocate for an equal place in society for women sponsoring legislation to require equal pay for equal work. She was described by colleagues as a phenomenal woman,

ahead of her time, always looking into the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature honors the memory of Kathleen "Pat" Ackerson Foote and her many achievements for the betterment of Nebraska.

2. That a copy of this resolution be sent to the Foote family.

Laid over.

## STANDING COMMITTEE REPORTS

### Agriculture

**LEGISLATIVE BILL 317.** Placed on General File as amended.

Standing Committee amendment to LB 317:

AM0548

1 1. On page 2, line 19, strike "one hundred" and insert

2 "seventy-five".

**LEGISLATIVE BILL 584.** Placed on General File as amended.

Standing Committee amendment to LB 584:

AM0429

1 1. Strike the original sections and insert the following

2 new sections:

3 "Section 1. Section 28-1008, Revised Statutes

4 Supplement, 2004, is amended to read:

5 28-1008. For purposes of sections 28-1008 to 28-1017:

6 (1) Abandon means to leave any animal for any length of

7 time without making effective provision for its food, water, or

8 other care as is reasonably necessary for the animal's health;

9 (2) Animal means any vertebrate member of the animal

10 kingdom. The term does not include an uncaptured wild creature;

11 (3) Cruelly mistreat means to knowingly and intentionally

12 kill, maim, disfigure, torture, beat, mutilate, burn, scald, or

13 otherwise inflict harm upon any animal;

14 (4) Cruelly neglect means to fail to provide any animal

15 in one's care, whether as owner or custodian, with food, water, or

16 other care as is reasonably necessary for the animal's health;

17 (5) Humane killing means the destruction of an animal by

18 a method which causes the animal a minimum of pain and suffering;

19 (6) Law enforcement officer means any member of the

20 Nebraska State Patrol, any inspector under the Commercial Dog and

21 Cat Operator Inspection Act, any county or deputy sheriff, any

22 member of the police force of any city or village, or any other

23 public official authorized by a city or village to enforce state or

24 local animal control laws, rules, regulations, or ordinances; and

1 (7) Police animal means a horse or dog owned or

2 controlled by the State of Nebraska for the purpose of assisting a

3 Nebraska state trooper in the performance of his or her official

4 enforcement duties.

5 Sec. 2. Section 28-1018, Revised Statutes Supplement,  
6 2004, is amended to read:

7 28-1018. (1) A person, other than an animal control  
8 facility or animal shelter, who sells a puppy or kitten under ~~six~~  
9 eight weeks of age without its mother is guilty of a Class V  
10 misdemeanor.

11 (2) For purposes of this section:

12 (a) Animal control facility means a facility operated by  
13 the state or any political subdivision of the state for the purpose  
14 of impounding or harboring seized, stray, homeless, abandoned, or  
15 unwanted animals; and

16 (b) Animal shelter means a facility used to house or  
17 contain dogs or cats and owned, operated, or maintained by an  
18 incorporated humane society, animal welfare society, society for  
19 the prevention of cruelty to animals, or other nonprofit  
20 organization devoted to the welfare, protection, and humane  
21 treatment of such animals.

22 Sec. 3. Section 54-627, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 54-627. (1) Beginning April 1, 2001, a person shall not  
25 operate as a commercial breeder, a dealer, or a boarding kennel and  
26 beginning October 1, 2003, a person shall not operate as an animal  
27 control facility or an animal shelter unless the person obtains the  
1 appropriate license as a commercial breeder, dealer, boarding  
2 kennel, animal control facility, or animal shelter. Beginning  
3 January 1, 2004, a person shall not operate as a pet shop unless  
4 the person obtains a license as a pet shop. A pet shop shall only  
5 be subject to the Commercial Dog and Cat Operator Inspection Act  
6 and the rules and regulations adopted and promulgated pursuant  
7 thereto in any area or areas of the establishment used for the  
8 keeping and selling of pet animals.

9 (2) An applicant for a license shall submit an  
10 application for the appropriate license to the department, on a  
11 form prescribed by the department, together with a ~~nonreturnable~~  
12 the annual license fee. ~~Such fee shall be one hundred fifty~~  
13 ~~dollars. The license fee shall be paid annually. Such fee is~~  
14 nonreturnable. Additionally, the department may conduct an  
15 inspection of the facilities and sanitation and confinement  
16 practices of the applicant or any other practices that may affect  
17 the humane treatment of ~~dogs and cats~~ pet animals. Upon receipt of  
18 the application and ~~initial~~ annual license fee, the appropriate  
19 license may be issued by the department. Such license shall not be  
20 transferable to another person or location.

21 (2) ~~The fee charged under this section may be raised or~~  
22 ~~lowered by the director after a public hearing is held outlining~~  
23 ~~the reason for any proposed change in the rate. The maximum rate~~  
24 ~~fixed by the director shall not exceed two hundred dollars.~~

25 (3) The annual license fee shall be according to a fee  
26 schedule prepared by the director. The fees shall be based upon

27 the number of animals served by the licensee, and there shall be  
 1 startup discounts for new licensees. The maximum annual license  
 2 fee shall not exceed two hundred fifty dollars.  
 3 (4) A license to operate as a commercial breeder, a  
 4 license to operate as a dealer, a license to operate as a boarding  
 5 kennel, or a license to operate as a pet shop shall be renewed by  
 6 filing with the department at least thirty days prior to April 1 of  
 7 each year a renewal application and the annual license fee. A  
 8 license to operate as an animal control facility or animal shelter  
 9 shall be renewed by filing with the department at least thirty days  
 10 prior to October 1 of each year a renewal application and the  
 11 annual license fee. Failure to renew a license prior to the  
 12 expiration of the license shall result in an additional fee of  
 13 twenty dollars required upon application to renew such license.  
 14 Sec. 4. Original section 54-627, Reissue Revised  
 15 Statutes of Nebraska, and sections 28-1008 and 28-1018, Revised  
 16 Statutes Supplement, 2004, are repealed."

(Signed) Bob Kremer, Chairperson

### **Natural Resources**

**LEGISLATIVE BILL 191.** Indefinitely postponed.

**LEGISLATIVE BILL 658.** Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 389.** Placed on General File as amended.

Standing Committee amendment to LB 389:

AM0572

- 1 1. On page 2, strike lines 5 through 13 and insert the
- 2 following new subdivisions:
- 3 "(1) Claim form means an insurer's standard printed or
- 4 electronic transaction form that complies with the standards issued
- 5 by the Secretary of the United States Department of Health and
- 6 Human Services or, if an insurer does not have a standard printed
- 7 or electronic transaction form, any form which complies with such
- 8 standards;
- 9 (2) Clean claim means a claim for payment of health care
- 10 services that is submitted by a Nebraska health care provider to an
- 11 insurer on a claim form with all required fields completed with
- 12 information to adjudicate the claim in accordance with any
- 13 published filing requirements of the insurer;" in line 14 strike
- 14 "(2)" and insert "(3)"; and in line 15 strike "(3)" and insert
- 15 "(4)".
- 16 2. On page 3, line 1, strike "(4)" and insert "(5)"; in
- 17 line 7 strike "(5)" and insert "(6)"; and in line 10 strike "(6)"

18 and insert "(7)".

19 3. On page 4, line 13, after the period insert "The  
20 applicable time period set forth in subsection (1) of this section  
21 shall be tolled as of the date the additional information is  
22 requested until the date all such additional information necessary  
23 to resolve the claim is received.".

24 4. On page 5, line 1, after "concerning" insert  
1 "coverage, eligibility,".

2 5. On page 8, strike lines 13 and 14 and insert "apply  
3 to any individual or group policies that provide coverage for a  
4 specific disease, accident-only coverage, hospital indemnity  
5 coverage, disability income coverage, medicare supplement coverage,  
6 long-term care coverage, or other limited-benefit coverage. The  
7 act".

(Signed) Mick Mines, Chairperson

### **Health and Human Services**

**LEGISLATIVE BILL 272.** Placed on General File.

**LEGISLATIVE BILL 331.** Placed on General File.

**LEGISLATIVE BILL 453.** Placed on General File.

**LEGISLATIVE BILL 534.** Placed on General File.

**LEGISLATIVE BILL 664.** Placed on General File as amended.

Standing Committee amendment to LB 664:

AM0602

1 1. Insert the following new section:

2 "Sec. 3. Since an emergency exists, this act takes  
3 effect when passed and approved according to law.".

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Shawn J. Baumgartner - Board of Emergency Medical Services

Robert Dunn - Board of Emergency Medical Services

Rommie J. Hughes - Board of Emergency Medical Services

Benjamin B. Lans - Board of Emergency Medical Services

Clinton Rasmussen - Board of Emergency Medical Services

Michael L. Westcott - Board of Emergency Medical Services

VOTE: Aye: Senator Jensen, Byars, Cunningham, Erdman, Johnson and Stuthman. Nay: None. Absent: Senator Howard.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Kevin Benesch - Child Abuse Prevention Fund Board  
Peter Tulipana - Child Abuse Prevention Fund Board

VOTE: Aye: Senator Jensen, Byars, Cunningham, Erdman, Johnson and Stuthman. Nay: None. Absent: Senator Howard.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

James E. Gordon - Foster Care Review Board  
John Seyfarth - Foster Care Review Board  
Gerald Schenck - Foster Care Review Board

VOTE: Aye: Senator Jensen, Byars, Cunningham, Erdman, Johnson and Stuthman. Nay: None. Absent: Senator Howard.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

William Brush - Rural Health Advisory Commission  
Pamela H. List - Rural Health Advisory Commission  
Michele Mulligan-Witt - Rural Health Advisory Commission

VOTE: Aye: Senator Jensen, Byars, Cunningham, Erdman, Johnson and Stuthman. Nay: None. Absent: Senator Howard.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Samuel Augustine - State Board of Health  
Edward Discoe - State Board of Health  
Linda Lazure - State Board of Health  
Paul Salansky - State Board of Health  
Gary Westerman - State Board of Health

VOTE: Aye: Senator Jensen, Byars, Cunningham, Erdman, Johnson and Stuthman. Nay: None. Absent: Senator Howard.

(Signed) Jim Jensen, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 94.** Title read. Considered.

Advanced to E & R for review with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 298.** Title read. Considered.

Senator Landis renewed his pending amendment, AM0250, printed separately and referred to on page 445.

Senator Beutler offered the following amendment to the Landis pending amendment:

FA57

Amend AM0250

Strike the entire sentence beginning with the word "The" on line 22, page 2

Pending.

**EXECUTIVE BOARD REPORT**

Pursuant to Section 81-8,241 and Executive Board action on February 24, 2005, Marshall Lux has been recommended for reappointment to a six-year term as the Public Counsel (Ombudsman) for the State of Nebraska.

(Signed) Pat Engel, Chairperson  
Executive Board

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review****LEGISLATIVE BILL 242.** Placed on Select File as amended.

E & R amendment to LB 242:

AM7023

- 1 1. On page 1, line 6, strike ", 49-1481," and insert
- 2 "to"; and in line 14 after the semicolon insert "to change amount
- 3 and distribution of fees;".
- 4 2. On page 40, line 11, strike "Statement" and insert "A
- 5 statement"; in line 14 strike "they are", show as stricken, and
- 6 insert "it is".

**LEGISLATIVE BILL 563.** Placed on Select File.

(Signed) Michael Flood, Chairperson

**AMENDMENTS - Print in Journal**

Senator Beutler filed the following amendment to LB 298:

FA58

Amend AM0250

On page 5, line 18 after "that" insert "substantially"

Senator Chambers filed the following amendments to LR 8CA:

FA36

Page 1, line 8 after "hunting" insert "for a way to defend and protect the Constitution of Nebraska from frivolous amendments that would clutter, demean and trivialize it".

FA37

Page 1, line 8 after "hunting" insert "for the wreckage of Amelia Earhart's airplane".

FA38

Page 1, line 8 strike "and" and after "hunting" insert "running, jumping and sweating".

FA39

Page 1, line 8 strike "and" and after "hunting" insert "and sitting on the front porch on a warm summer evening, drinking a glass of cold lemonade, dreamily watching the silvery moon rise to begin its journey across a darkening velvet sky powdered with stardust".

FA40

Page 1, line 9 after "forever" insert "and a day".

FA41

Page 1, line 8 strike "and" and after "hunting" insert "creating, recreating, conversating and procreating".

FA42

Page 1, line 8 strike "and" and after "hunting" insert "an end to religious strife and intolerance".

FA43

Page 1, line 8 after "trapping" insert "moonbeams and daydreams"

FA44

Page 1, line 8 after "hunting" insert "for the Holy Grail".

FA45

Page 1, line 8 after "hunting" insert "for Noah's Ark".

FA46

Page 1, line 8 after "hunting" insert "for the link between Noah's Ark, Joan of Arc and Archimedes".

FA47

Page 1, line 8 after "Fishing" insert "for the secret, if there be a secret, behind the enigmatic smirk of the Mona Lisa".

FA48

Page 1, line 8 after "hunting" insert "for who let the dogs out".

FA49

Page 1, line 8 after "hunting" insert "for weapons of modest destruction".

FA50

Page 1, line 8 after "hunting" insert "for a little peace and quiet".

FA51

Page 1, line 8 after "hunting" insert "for the mathematical formula to square the circle".

FA52

Page 1, line 8 after "Fishing" insert "for the solution to the mystery of the Bermuda Triangle".

FA53

Page 1, line 8 strike "and" and after "hunting" insert "laughing, crying, sneezing, coughing, sleeping, waking, creeping, quaking, sitting, standing, walking, talking, donating, pronating, singing, sighing, buying, baking, itching, scratching, combing, boating, gloating, mining, smithing, stirring, raking, shearing, gazing, lazing, farming, ranching, welding, barbering, butchering, banking, lawyering, lounging, scrounging, dancing, jogging, lunching, munching, arguing, reading, writing and being oneself".

FA54

Page 1, line 8 strike "and" and after "hunting" insert "and supporting Big Red Football".

FA55

Page 1, line 8 after "hunting" insert "for the Seven Cities of Gold".

FA56

Page 1, line 8 after "Fishing" insert "for compliments"; after "trapping" insert "up a storm"; and after "hunting" insert "for the sweetest apple in the orchard".

FA59

Page 1, line 8 strike "Fishing, trapping, and hunting are" and insert "Hunting for and trapping liberal Nebraska Republicans"; in lines 9 and 10 strike "the people" and insert "conservatives of all stripes"; in line 9 strike "forever" and after "preserved" insert "until the twelfth of never"

FA60

Page 1, line 8 strike ", trapping," and after "hunting" insert "for world peace".

FA61

Page 1, line 8 strike "Fishing, trapping, and hunting" and insert "Hunting for and seeking to trap Bigfoot".

FA62

Page 1, line 8 strike "Fishing, trapping, and hunting are" and insert "Hunting for the Fountain of youth is"; in lines 9 and 10 strike "the" and insert "wistful"

FA63

Page 1, line 8 after "trapping" insert "the morning mist".

FA64

Page 1, line 8 after "hunting" insert "Osama bin Laden".

FA65

Page 1, line 8 strike "Fishing, trapping and hunting are" and insert "Hunting lunches is"; in lines 9 and 10 strike "the people" and insert "politicians".

FA66

Page 1, line 8 strike ", trapping," and after "hunting" insert "a cure for cancer".

FA67

Page 1, line 8 after "trapping" insert "the Man in the Moon"; after "hunting" insert "for liberal Martians".

FA68

Page 1, line 8 after "Fishing" insert "for anglers"; after "trapping" insert "trappers"; after "hunting" insert "hunters".

FA69

Amend FA36

In line 10 after "people" put a period and strike remaining language through the period in line 11.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Mines asked unanimous consent to have his name added as cointroducer to LB 114. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Natasha Larson from Omaha; Bill Yates from Hartington; and Hartington Community Leaders.

### **ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Preister, the Legislature adjourned until 10:00 a.m., Monday, February 28, 2005.

Patrick J. O'Donnell  
Clerk of the Legislature

